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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/845,506

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Thomas Brockmann

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07/31/2002

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EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/845,506

Applicant(s)

BROCKMANN ET AL.

Examiner

Sharon E. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used to designate both the cooling ribs and the focusing lens (page 8, line 25). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electrical motor (claim 4), the position indicating means (claim 6), the element that may be remotely sensed (claim 7) and the remote sensing means (claim 7) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 2 is objected to because of the following informality: the word "comprise" should be "comprises." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Zander (U.S. Patent 2,439,330).

Regarding claim 1, Zander discloses a signal and searchlight shutter. The shutter includes the following:

1) a light source arranged at one end of a housing (casing, reference number 1) having a light beam exit aperture (reference number 2) at the opposite end thereof, the light source and aperture being arranged generally concentric with a longitudinal or optical axis of the housing (Figs. 1 and 3);

2) a light beam influencing means comprising a beam-shaping blade (vanes 1-16), and a lens (glass plate, reference number 3) for influencing a light beam emitted by the light source and being arranged along the path of the light beam along the longitudinal axis through the housing from the light source to the aperture (Figs. 2 and 3); and

3) adjustment means (ring, 10) for adjusting the position of a light beam influencing means relative to the longitudinal axis, the adjustment means being arranged for rotation around the longitudinal axis and being connected to the respective light beam influencing means such that rotation of the adjustment means around the longitudinal axis adjusts the position of the respective light beam influencing means relative to the longitudinal axis (Figs. 2 and 5).

Concerning claim 2, Zander discloses an adjustment means comprising an annular body (ring, 10) arranged with the axis thereof substantially coinciding with the longitudinal axis (Figs. 2 and 3).

Regarding claim 3, Zander discloses the annular body having an outer rim (peripheral teeth, reference number 20) configured for being engaged for applying a rotational force thereto, the surface of the outer rim being provided with friction enhancing means (Fig. 2).

Concerning claim 8, Zander discloses the adjustment means for the beam-shaping blade comprising radial adjustment means (pivot, reference number 8) for adjusting the position of the blade radially relative to the axis (Figs. 2 and 5), and

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circumferential adjustment means (ring, reference number 10) for adjusting the position of the blade circumferentially around the axis (Fig. 2).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zander in view of Sawyer (U.S. Patent 3,049,615).

Regarding claim 4, Zander discloses a drive wheel (toothed sector, reference number 22) engaging the outer rim of the annular body for applying the rotational force thereto (Fig. 2). Zander does not disclose the electrical motor connected to the drive wheel.

Sawyer discloses the electrical motor (reference number 27) connected to a driving device for driving the rotation of a lamp (Fig. 1).

It would have been obvious to one of ordinary skill in the art to connect the motor of Sawyer to the drive wheel of Zander for rotating the annular body automatically.

Concerning claim 5, Zander discloses the drive wheel as a gear (toothed sector, reference number 22) having teeth (Fig. 2), and wherein the outer rim engaged by the

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gear is provided with teeth (reference number 20) for meshing with the teeth of the gear when the gear rotates (Fig. 2).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zander in view of Czarnikow et al. (U.S. Patent 2,465,578).

Regarding claim 6, Zander does not disclose the position indicating means. Czarnikow et al. discloses a position indicating means (scale, reference number 3) for indicating the angular position of the annular body relative to the longitudinal axis (Fig. 1).

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zander in view of Czarnikow et al. as applied to claim 6 above, and further in view of Sawyer.

Regarding claim 7, Zander does not disclose an element that may be remotely sensed or remote sensing means.

Sawyer discloses an element that may be remotely sensed (drive shaft, reference number 26) and remote sensing means (part of motor, reference number 27) for sensing the angular position of the element relative to the longitudinal axis (Fig. 1).

It would have been obvious to one skilled in the art to couple the drive shaft and motor of Sawyer to the drive wheel of Zander for driving the apparatus and sensing the angular position of the drive shaft.

11. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zander in view of Diggins (U.S. Patent 2, 195,166).

Regarding claim 9, Zander does not disclose the co-central rings as described in the claim. Diggins discloses two adjacent co-central rings (base, reference number 24 and cam, reference number 42), each connected to one point of the blade (leaf, reference number 33) such that relative rotation of the two rings alters the radial position of the blade (Fig. 6).

It would have been obvious for one of ordinary skill in the art to use the diaphragm of Diggins on the lighting apparatus of Zander to control the amount of light exiting the apparatus.

Concerning claim 10, Zander does not disclose the two arms as described in the claim. Diggins discloses the blade comprising a body extending generally transversely to the axis (reference number 35) and two arms extending generally parallel to the axis (reference number 39), the arms being provided with sliding connecting means (slot, reference number 31 and cam slots, reference numbers 40 and 41) for connecting the respective arm to each of the rings by being slidably received in a guiding track in each of the rings (Figs. 5 and 6).

### ***Conclusion***


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (703) 308-2125. The examiner can normally be reached on regular business hours.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

sep  
July 26, 2002

  
ALAN CARIASO  
PRIMARY EXAMINER  
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~~XXXXXXXXXXXX~~